

CAPSTONE LEGAL RESEARCH PROJECT INFORMATION – READ CAREFULLY

Assignment 1:	Team Meetings	February 16 thru 19 during class time per section
Assignment 2:	Legal Research Plan	Due: Friday, February 26
Assignment 3:	Memorandum Rough Draft	Due: Friday, March 11
Assignment 4:	Presentation	TBD: week of March 21
Assignment 5:	Memorandum Final Draft	Due: Monday, April 4

Suggested Resources: Tennessee code, Tennessee case law, all 50 states statutes and case law depending on your issue, encyclopedias, treatises, and ALR.

Community Law Office Responsible Attorney: Given out at the team meetings. If you have questions about the issue and whether you are on the right track, you may want to reach out to your responsible attorney at the Community Law Office. Keep in mind that they have incredibly busy schedules, so may not be able to respond right away, and probably don't have the availability to respond to a flood of questions. This is my way of saying: do reach out, but don't do it at the last minute, and don't just inundate with questions – be judicious. Within your teams, please designate one person only to reach out to the attorney. Draft your questions together as a team so each team member gets their question/concern answered.

Assignment 1

Team Meetings – Attendance is absolutely mandatory!

These meetings will be held during our regularly scheduled class session times for the week of February 15. I will email my assigned 15-minute interval meetings for each team. I'll assign team meeting times alphabetically.

Assignment 2

Legal Research Plan

Due Date: Friday, February 26, 2016

Page limit: 2 pages

Draft your research plan – map out where your team will go first, second, third, and so on. It is crucial to think the research plan through before beginning to research. This saves time and therefore money. To begin mapping your written research plan use the Legal Research Planning Form as a tool -- don't just fill it in and use that as your plan! Describe your projected research process in a narrative as

best as you can. Also, please look at the flow charts provided on pages 3 and 4 with this packet and/or Google Legal research plan formats for additional ideas.

Try to resist the urge to conduct any substantive research before or during preparation of your legal research plan. Instead, examine available sources by looking at what is available in the library, on the Internet, and on Lexis, Westlaw, and Bloomberg. I know it is tempting to dive in and start trying to get answers, but the purpose of this assignment is to make your research more efficient by planning your work BEFORE starting substantive research.

1) Include a comprehensive list of unfamiliar or law related technical words, any abbreviations that need to be defined or translated for general understanding before putting your team's research plan together.

2) Include a list of words and phrases, key and index terms your team believes will be helpful finding the law on your assigned topic for your client.

3) Write out your plan in narrative form. **Process** is key here! As your professor I need to see how you get from one point to the next point in your legal research process, from beginning to end.

4) Include what your team will do if your first step fails to work -- how will the stumbling block be overcome? Tell me specifically what will be the next step to help you find/understand the law.

List every resource your team plans to consult: print and online resources, primary and secondary legal authorities, and so on. If possible, be specific: give me the name of a treatise you will use, not just "we will find a book." Tell me you are going to search Tennessee cases and statutes, not just "we will look at primary authorities." Do the absolute best you can for your client with all resources at hand. Comb the law library catalog and revisit the authorities you learned about last semester for resources that may be helpful for your team's work.

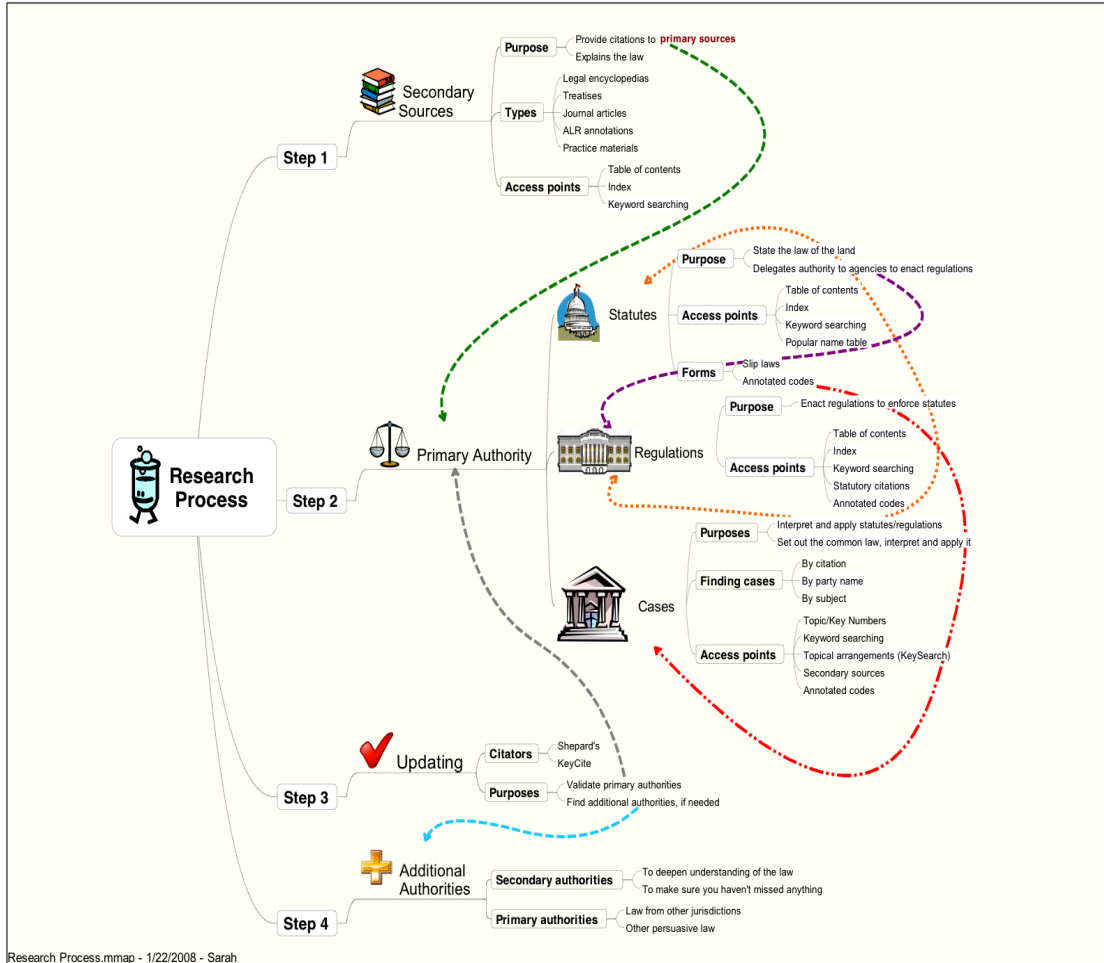
After you receive your critiqued research plan back, (Monday, February 29) you can start your actual research and writing:

Find the law applicable to your client's case. In many instances, you will want to start with secondary authorities. Once you have located and read relevant secondary authorities, make sure to find all statutes, regulations, and cases on point.

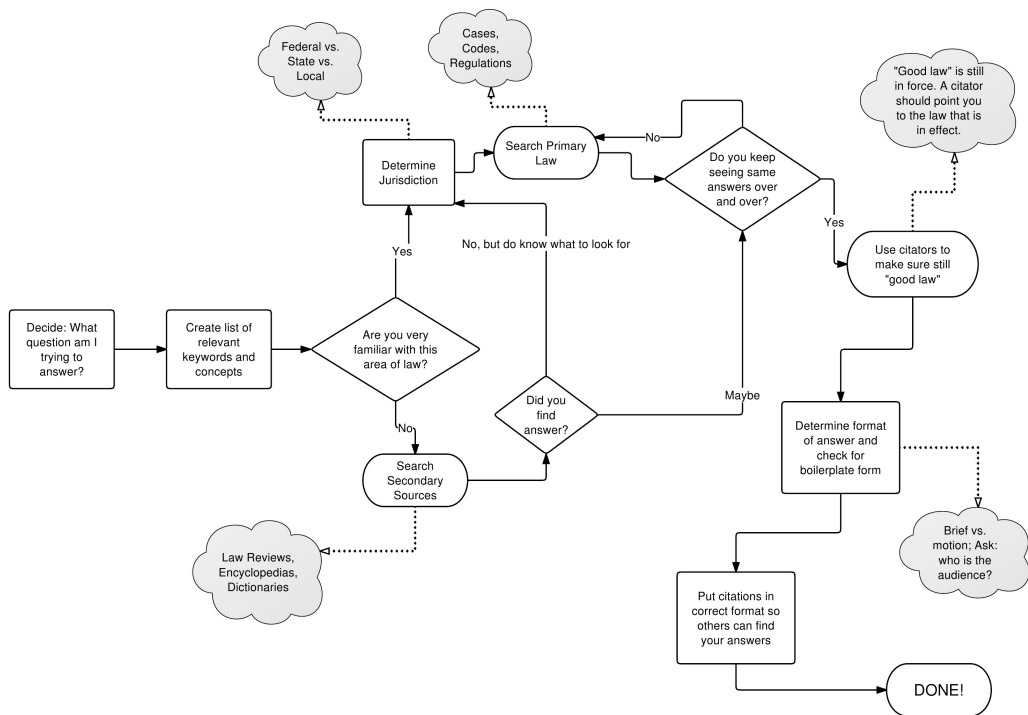
Take effective notes. Re-read your topic assignment to help maintain your focus. Record your citations in full for later reference.

Update the law and locate additional authorities – be sure to Shepardize, BCite, or KeyCite all law found relevant to your client's case. Consult additional resources uncovered when updating the relevant law.

RESEARCH PROCESS MAPS¹



¹ Sarah Gotschall, Reference Librarian, University of Arizona; and Sarah Glassmeyer, Director of Content Development, CALI, respectively.



The Process of Legal Research

Legal Research Planning Form

Don't forget to look at: Law Library catalog, browsing available sources on Lexis, Westlaw, and Bloomberg; www.worldcat.org (for books not held at UT Law), and Google/Wikipedia, for background information and understanding ONLY – not for substantive research.

What jurisdiction should you research?

Unfamiliar or technical words, legal jargon, or abbreviations to translate (if any)?

What information are you given in the fact pattern about authority that may be involved? Is there a reference to case law, a statute, regulations, or perhaps nothing at all?

Issue Statement: _____

Index/search terms you believe will be useful: _____

List two secondary authorities you think may be useful. If you list a treatise, list it by name. Other types of secondary authorities may be listed generically – “law review article” etc.

1. _____

2. _____

List two primary authorities you think may be applicable. For example: federal statute on water pollution, Tennessee case on child custody, federal regulation on eligibility for low-income housing. You do not need to know that these authorities even exist, just think about what is likely to be out there that would be applicable.

1. _____

2. _____

What will be your first step?

What will you do if your first step turns out to be a dead end?

Assignment 3
Draft Research Memorandum
Due Date: Friday, March 11, 2016

Note: although this is a draft, keep in mind that it will be forwarded to your assigned attorney at the Community Law Office for review. While they understand that it is a draft and will need follow-up, you will want to take care that it is free from spelling and grammatical errors, citation format is correct, and that the narrative is clear and easy to follow.

Page limit: 10 pages excluding required Table of Authorities & optional Appendix

Follow the format below for the research memorandum:

1. Heading –

RESEARCH MEMORANDUM

Privileged Attorney Work Product

To: Partners Tobin, Morgan and your attorney's last name
From: List of members in your team – FIRST NAMES ONLY
Date: March 11, 2016
Re: [General Topic]

2. Issue Statement
3. Brief Summary of the applicable law
4. **NO Statement of Facts**
5. Discussion of **the law** – use a top down approach. List and discuss the most important authorities first: Tennessee statutes, Tennessee Supreme Court cases² that apply to your topic of law. Include secondary authorities (Tennessee Jurisprudence, periodical articles, etc.) for your reader's understanding of the material on your topic of law.
6. Conclusion – brief wrap up of legal research findings.
7. Table of Authorities – you may place your Table of Authorities either at the front or back of your memorandum. List all resources referred to in the Memorandum. (Double check to be sure the Table of Authorities matches footnotes in the memorandum). Cite in Bluebook format, using the Court Documents/Legal Memoranda styles and typefaces as shown in the bluepages at the front of the Bluebook and the inside back cover. If you want to use Word to create a Table of Authorities for you and you are not familiar

² Assuming you are dealing with Tennessee law. If federal law is implicated, or if you choose to discuss the law in other states, incorporate that into the framework provided here.

with that process, we have a LibGuide with instructions on how to do that. From the Law Library web page, click Research Resources → Guides for Research → Formatting an Appellate Brief in MS Word.

Cite all authorities, in Bluebook format, using footnotes (not endnotes). Be careful to give credit to the language in your memorandums. Be mindful of the risks of plagiarism. Again, use the typefaces and conventions shown in the bluepages. Do not use the typefaces and conventions for law review articles.

Submit your work product to me at ktobin3@utk.edu

Assignment 4
Presentation to Community Law Office Attorneys
Due Date: TBD the week of March 21, 2016 – THIS IS A SHORT WEEK
PRESENTATIONS WILL BE SCHEDULED TO ACCOMODATE

Wear professional interview attire for the client presentations. You are building relationships in the legal profession that will serve you over the life of your career as an attorney. First impressions are very important! See *Interviewing Attire: Making the Best First Impression* below.³

PRESENTATION FORMAT:

PANEL DISCUSSION -- Each team sits as a panel in front of the classroom facing their attorneys from the Community Law Office, your classmates, your professor and Brad Morgan.

BE PREPARED TO DISCUSS THE FOLLOWING:

- I. HOW YOUR TEAM RESEARCHED YOUR AREA OF LAW -- include significant stumbling blocks you encountered as the research progressed.
- II. HOW YOUR TEAM ORGANIZED AND DRAFTED THE RESEARCH MEMORANDUM
- III. LEADING LAW RELEVANT TO THE CLIENT'S ISSUE
- IV. ANY QUESTIONS FROM THE COMMUNITY LAW OFFICE ATTORNEY

The time allocated for each presentation will be 15 minutes. You may show Powerpoint slides or other visual aids if you like (NOT required), but if you do, make sure that you do a test run in the location and using the equipment that will be used for your actual presentation. We can get you set up and running properly in any format, but you need to work it out in advance! If you need A/V set up, wait until we have definite information on the rooms to be used – it may be different from our usual classroom – then contact Jeff Groah. You can stop by the library and ask for him at the Circulation Desk, call him at 974-6731, or email him at jgroah@utk.edu.

³ If you do not have an interview-appropriate suit and would not otherwise be purchasing one at this time, dress as professionally as you can following the guidelines in the article below. Please don't spend hundreds of dollars for a suit you don't plan to use otherwise. Also, please **no cleavage!**



Being dressed appropriately means looking like a lawyer who is ready to go to court or meet with your employer's best client.

You are applying for a professional position; dress like a professional person!

Interviewing Attire: Making the Best First Impression

Men

You will need at least one dark suit with a two or three-button style blazer. Solid color, narrow pin stripe, subtle chalk stripe, or mini-hounds tooth patterns are fine.

Be aware of the length of your pants and jacket sleeves – too many students do not take the time to have their clothes altered, especially their jacket sleeves. If in doubt, go to a good department store and put yourself in the salesperson's capable hands. Give her/him your budget, stand up straight for the tailor, and you will walk away looking great and feeling confident.

Try to buy at least three nice ties. Foulard (small pattern), striped or solid ties are fine. You should also buy a nice pair of black leather dress shoes in a captoe, lace-up or slip-on style.

Don't forget about accessories. A leather belt with a plain buckle is best. If you like French cuff shirts, simple cufflinks or silk knots are a good investment. Jewelry should be kept simple; rings such as wedding, class, fraternity, signet, or family crest are fine. Men really should avoid bracelets, necklaces, and earrings. If you wear any type of fragrance, go VERY light on the application!

Women

You will need at least one dark suit, as well. Pant suits have become as acceptable as skirt suits for most employers, but skirt suits are typically viewed as the more conservative choice.

Be aware of the length of your jacket sleeves and pants or skirt. Your skirt should be reasonably near your knee, or at least

close enough so that when you sit down you can pay attention to the person with whom you are speaking and not to the skirt with which you are struggling. (Trust us – you DO NOT want to be remembered as “the girl with the mini skirt” by the hiring committee!)

Your blouse or shirt should be complementary to the suit in fabric and color, and you should be able to take off your jacket and still feel appropriately dressed and comfortable. Closed-toe pumps are best in a comfortable heel height.

Your makeup should be natural and flattering – the same is true for your hair style. If your hair is long, consider pulling it back or wearing a headband.

As for accessories, your stockings should be neutral (no patterns) and always have extras on hand. Jewelry should be kept simple and professional; multiple rings or earrings are not very conservative. If you wear any type of fragrance, go VERY light on the application!

Everyone

An all weather coat, such as a trench style or light wool, will come in handy when you interview at the employer's site or if you are taken to lunch or dinner.

You will also need a portfolio to carry extra resumes and other materials into an interview. This accessory will also come in very handy when you interview at the employer's office – it can hold your car keys, parking money, etc., and alleviate the risk of leaving something in an interview room or having to carry in a purse or backpack.

Assignment 5
Final Research Memorandum
Date Due: Monday, April 4, 2016

Page Limit: 10 pages excluding Table of Authorities or an Appendix

Rewrite and edit the rough draft per professor instructions and client feedback from the panel presentation.

Submit your final memorandum (MS Word format only) to ktobin3@utk.edu